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CENTRAL FAX CENTER Utility Patent
APR 16 2008 Ser. No. 10/564,019

REMARKS

Claims 1-5 are pending at the mailing of the March 27, 2008 Non-Final Office Action. No new matter is introduced.

Specification

Applicant amends a typographical error in the specification as pointed out by Examiner. A withdrawal of the objection is respectfully requested.

Claim Rejections - 35 USC § 103

Claims 1, 3 and 4 are rejected under 35 USC § 103(a) as rendered obvious over WO/95/10481 in view of U.S. Patent No. 4,621,150 to Hirai.

With respect to the WO document, Applicant claims that its and the reference's methods are not the same. Applicant maps out their respective methods for comparison:

mixing a metal complex with a nano-carbon in distilled water;	mixing a metal complex with a nano-carbon in an inert solvent (page 7, II.14-16)
<i>reducing divalent palladium by passing that mixture through a prepared hydrogen solution (not yet amended into claim);</i>	<i>removing metal ligand upon heating;</i>
precipitating reduced palladium on a nano- carbon;	
wherein the metal complex is tetra aqua-palladium (II) perchlorate	wherein the metal complex of formula L _n Pb

Palladium is used with a ligand, but it is not a ligand; rather, a ligand is a base while the

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perchlorate in Applicant's complex is an acid. The metal complexes vary. Examiner acknowledges that the WO document does not employ tetra aqua-palladium (II) perchlorate, so Hirai is combined with that reference to reject the claim. Hirai provides a catalyst consisting of a salt or complex salt, having formula $[ML_m]^{n+}[Y]_n$, wherein Examiner claims that an assignment of $M = Pd$, $m = 0$, $n = 2$ and $Y = \text{perchlorate } (\text{ClO}_4)^-$ provides palladium perchlorate: $\text{Pb}^{2+}(\text{ClO}_4)_2^-$. Examiner furthermore cites that palladium perchlorate $\text{Pb}^{2+}(\text{ClO}_4)_2^-$ reads upon tetra aqua-palladium (II) perchlorate $\text{Pb}(\text{H}_2\text{O})_4(\text{ClO}_4)_2$; however, Applicant has to argue that the two are different. For the latter to be included in the reference, the reference formula would have to be $M(L)_m [Y]_n$, wherein $M = Pd$, $m = 4$, $n = 2$, $Y = \text{perchlorate } (\text{ClO}_4)^-$ and $L = \text{H}_2\text{O}$. In undertaking a determination of whether a combination of references renders a claim obvious under 35 U.S.C. § 103(a), Examiner must show that the references teach or suggest *every element* of the claim in question. MPEP § 706.02(j). Further evidence that the formulas vary is confirmed in the plurality of salt and complex salts of formula 1 listed by Hirai in column 4, line 40 to column 5, line 15 of its specification. Nowhere in that teaching is the present tetra aqua-palladium (II) perchlorate listed.

A withdrawal of the rejection is respectfully requested.

Claim 2 is rejected under 35 USC § 103(a) as rendered obvious over the WO document and Hirai in further view of U.S. Pat. No. 5,376,353(Vasilevskis).

Applicant directs Examiner to the foregoing arguments to exclude Hirai and the WO document in a combination. In addition to the reasons argued above, dependent claim 2 incorporates the limitations of the claims on which it depends and, as such, it is allowable for at least the reasons set forth for corresponding independent claim 1. Thus, as Independent Claim 1 is distinct from the cited combination, dependent Claim 2 is also allowable.

A withdrawal of the rejections are respectfully requested.

Claim 5 is rejected under 35 USC § 103(a) as rendered obvious over the WO document

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and Hurai in further view of U.S. Pat. No. 5,273,729 (Howard et al.).

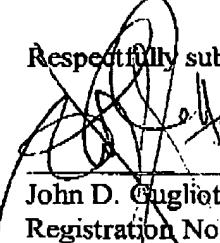
Applicant directs Examiner to the foregoing arguments to exclude Hurai and the WO document in a combination. In addition to the reasons argued above, dependent claim 5 incorporates the limitations of the claims on which it depends and, as such, it is allowable for at least the reasons set forth for corresponding independent claim 1. Thus, as Independent Claim 1 is distinct from the cited combination, dependent Claim 5 is also allowable.

A withdrawal of the rejections are respectfully requested.

CONCLUSION

In view of the amendments submitted herein and the above comments, it is believed that all the grounds of rejection are overcome and that the application has now been placed in full condition for allowance. Should there be any further questions, Examiner is urged to telephone Applicant's undersigned attorney at (330) 659-0065.

Respectfully submitted,


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